

REMARKS

The undersigned attorney participated in a telephone interview with Examiner Severson and Examiner Ho on October 3, 2007. During that interview, the claim amendments presented in this response were discussed. Examiner Severson and Examiner Ho agreed that, in view of these claim amendments, all of the claims would be allowable over the art of record.

In response to the office action mailed July 23, 2007, Applicants amended claims 1, 4, 14, 43, and 73, and canceled claims 36 and 79-81. Claims 5 and 35 were previously canceled, and claims 19, 37-42, and 44-72 were previously withdrawn. Thus, claims 1-4, 6-18, 20-34, 43, 73-78, and 82-87 are presented for examination.

Claims 1-4, 6-18, 20-34, 36, 43, and 73-87 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,336,234 (“Vigil”) in view of U.S. Patent 4,637,396 (“Cook”). Claims 1-4, 6-13, 73, 76, 82, and 85 are directed to a medical device that includes a balloon having a discrete strip of a second material encapsulated by a first material. Claims 14-18, 20-24, 43, 74, 75, 77, 78, 83, and 84 are directed to a medical device that includes a balloon having a discrete striped portion encapsulated by a first material. Claims 36 and 79-81, as noted above, have been canceled. Vigil and Cook, whether taken alone or in combination, fail to disclose or suggest either of the above-noted features. Moreover, a person of ordinary skill in the art would not have found it obvious, after reading Vigil and Cook, to provide a balloon having either of the above-noted features.

Vigil discloses a balloon catheter including a balloon having arthertomes mounted onto its outer surface. See, e.g., Vigil, col. 3, lines 58-64. Cook discloses a balloon that is reinforced by a knitted fabric tube such that the balloon cannot expand beyond a predetermined diameter. See, e.g., Cook, col. 2, lines 38-45 and 59-62; col. 3, lines 23-31; Abstract. The Examiner contended that it would have been obvious to a person of ordinary skill in the art to make the balloon of Vigil with a reinforcing encapsulated material, as disclosed in Cook, to limit the maximum expanded diameter of the balloon. But, even if Cook and Vigil were combined in the manner suggested by the Examiner, the resulting device would not include a balloon having a discrete strip of a second material encapsulated by a first material, as recited in claims 1-4, 6-13,

73, 76, 82, and 85, or a balloon having a discrete striped portion encapsulated by a first material, as recited in claims 14-18, 20-24, 43, 74, 75, 77, 83, and 84. As noted above, Cook's balloon is reinforced with a knitted fabric tube, not a discrete strip of material or a discrete striped portion.

Moreover, a person of ordinary skill in the art, after reading Vigil and Cook, would not have found it obvious to modify Vigil's balloon to include a discrete strip of a second material encapsulated by a first material, as recited in claims 1-4, 6-13, 73, 76, 82, and 85, or a discrete striped portion encapsulated by a first material, as recited in claims 14-18, 20-24, 43, 74, 75, 77, 78, 83, and 84. If anything, a person of ordinary skill in the art that wanted to limit the maximum expanded diameter of Vigil's balloon, as suggested by the Examiner, would have reinforced Vigil's balloon with a knitted fabric tube, as disclosed in Cook, not a discrete strip of material or a discrete striped portion. A person of ordinary skill in the art would have recognized that a discrete strip or a discrete striped portion would not limit the maximum expanded diameter of Vigil's balloon in the manner described by Cook.

In view of the foregoing, Applicants request reconsideration and withdrawal of the rejection of claims 1-4, 6-18, 20-34, 36, 43, and 73-87 as being unpatentable over the combination of Vigil and Cook and request that all claims presented for examination be allowed.

Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 10527-395001.

Respectfully submitted,

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